

***Theory of
Parliamentary
structure and
functions (in
brief)***

June 16

2011

Nidal Hussain



Theory of Parliamentary structure and functions (in brief)

Democracy, tyranny, dictatorship, monarchy, etc. are the forms of government; “unitary form of government” and “federalism”, are the characteristics of governmental processes; and presidential and parliamentary governments are basically modern forms of government.

Likewise these western theories I am presenting, herein, my own theory in which I have endeavoured to clarify that though parliamentary structure of politically organised independent bodies (POIB¹) (i.e. countries/states) might be different but genuinely every POIB’s parliament has the identical structure, is made on the identical idea, and is having identical shape/arrangement.

In this theory I will elaborate that Parliament can be a developer and interpreter of constitution; or just an interpreter of the constitution².

This theory can be explained in two different aspects videlicet:

1. Abstract aspect
2. Concrete aspect

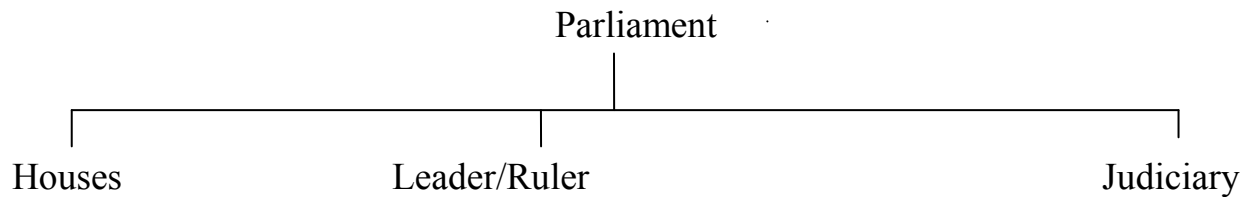
Remember, nullification of any of the aspect makes theory thoroughly dead, for as far as I have understood, all the aspects work or operate, worked or operated, and used to work or operate within a country/state every time either secretly — in a hidden manner/way — or in a revealed manner/way.

“Concrete” herein means “not (represented in) philosophic (way)”, whereas “Abstract” herein means “(represented in) philosophic (way)”.

Abstract Aspect:

¹ It means “state”. I might have used the word “state” in its place in several places.

² As we have bona fide Islamic Parliament where Judiciary and the rest of the parliament acts as and is unambiguously an interpreter of constitution — Qurân and Sunna.



Upper House basically is the group of those that influence governmental decisions and government enormously; and even can break/demolish and even can create government: or perhaps I should say that it creates as well as demolishes/breaks the government. Governmental decisions are, notwithstanding anything else, always created and approved by it. In different countries, in different circumstances, different groups, institutions, factors, things, or individuals, or more than one from the stated, acts or act as part(s)/member(s) of the Upper House, for Upper House is largely comprised of many things (means not one but more than one); but a single thing can also become/create the entire Upper House, for example such a leader who neither excepts anyone's authority over him/her nor accepts anyone's decisions, he/she does whatever he/she considers better or best. Upper House's part/member can also be in the shape of a lobby or a country, exempli gratia United States of America, Soyuz Sovetskikh Sotsialisticheskikh Republik (C.C.C.P. or U.S.S.R.), or "Jewish lobby" working affectively in U.S.A.. As a matter of fact if a certain member "Y" of Upper House is controlled by another such an influential entity "X", then the controlling entity (i.e. "X") will also be a part/member of the Upper House. Exempli gratia certain countries of the world are, nowadays, either directly or indirectly, controlled by U.S.A., whereas at the same time U.S.A.'s administration, government, politics, and decisions, are directly or indirectly controlled by the Jewish lobby. This example results this shape (illustrated below) which shows/reveals/tells that genuinely Jewish lobby is the genuine, but indirect controller, of all those countries that are controlled, either directly or indirectly, by the United States of America.



Middle House is basically the name given to the government. Government, as far as I have understood, is only the executive branch of the state. It obeys the Upper House's decisions, or the laws made by Upper House, or it acts on the law in accordance with the interpretation of the same law done by the Upper House or in accordance with Upper House's interpretation of the law and same law's further interpretation which is done by the Judiciary, whereas Judiciary's interpretation can nullify the Upper House's interpretation only when it becomes the decisive part of the Upper House otherwise it cannot do this.

Lower House is, bona fide, a House that comprises fools, but if they are really intelligent then they never let anyone to become (the most influential part/member of) the Upper House (or a part of Upper House, she is here the decision maker in this regard), rather this house automatically becomes/constitutes (the most influential part of) the Upper House.

In modern parliamentary/congressional structures the Upper House is completely or to some extent hidden, like Jewish lobby. This sort of hiding gives birth to the point that members/parts or their influence can vary or alter time to time or any time. Like Judiciary, under the leadership of Chief Justice, is playing such a role, perhaps unwillingly, in some POIB's parliament, for if she claims that she is not then it means that either she is lying or her judgment on/about any order (especially Presidential) due to which any thing happened, was wrong: she should not have done it, for she was unable to do it in accordance with the law in accordance with which she is not the decision taker / decision maker.

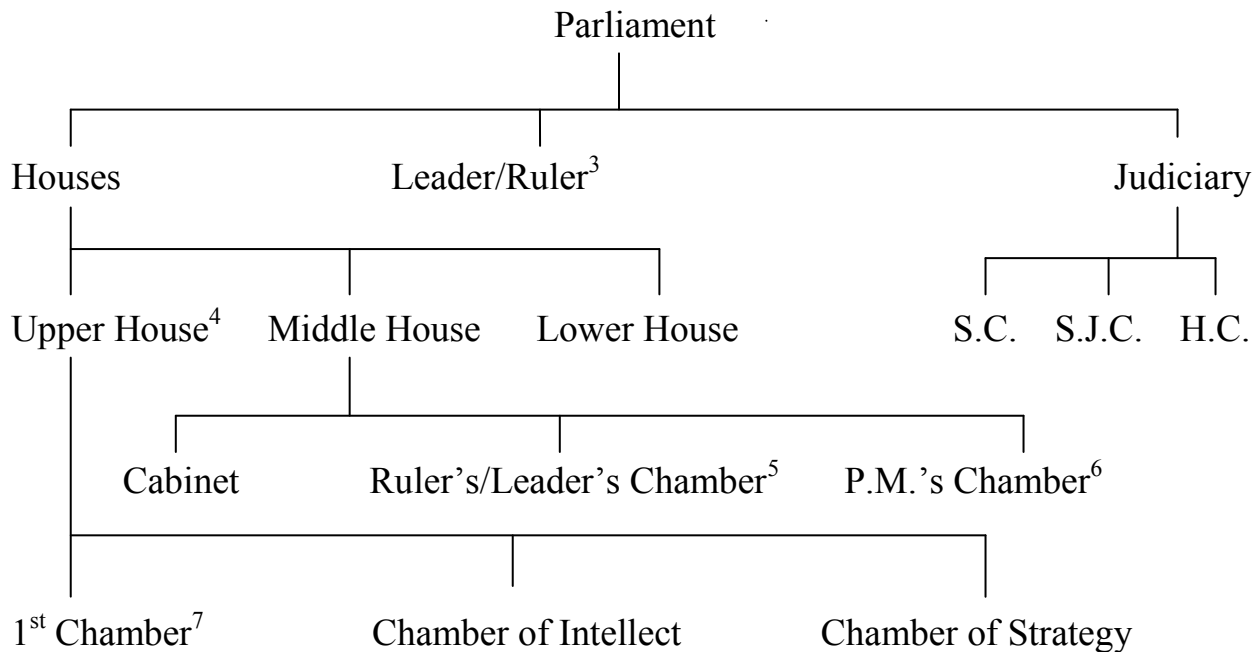
Concrete Aspect:

I shall explain my theory's concrete aspect by constructing structure/table and then will explain that to you. But I have endeavoured to present it in such a way as to tell you that this structure is present today either in a hidden way/manner or in revealed way/manner.

I have endeavoured to clarify that though the houses' number might be different in a parliament, but their arrangement has always been the same as shown in the structure which can be reduced — made short — to get the current structure of parliament.

Table is as under:

This model can be shortened, but all depends upon the nature, etc. etc. etc. of the state.



Remember one thing more that every house, chamber, and part elaborated in the above table is present in every POIB's parliament, but it is not necessary that every part/branch of parliament should be distinguished/observed/seen clearly.

Interpretation

³ You can also call him/her controller.

⁴ If people are strategists, intellectuals, wise, and well-thinkers, then there is no need of this house; just have Lower House. So Upper House = Upper House + Middle House + Lower House.

⁵ Leader/Ruler, even though all of the houses act as the advisers to Leader/Ruler, gets advises usually from his/her Chamber, for Upper House has established Leader's/Ruler's Chamber for the same purpose. Remember entire Middle House is established by Upper House.

⁶ If it is not adopted then obviously Premier will become a part of Cabinet; furthermore Cabinet (can) (also) become(s) a part of Ruler's/Leader's Chamber if the same case is that of the Cabinet. And if even Ruler's/Leader's Chamber, too, is of no need then Middle House will become a part of the Upper House. Accordingly in that case we shall not be having "Middle House" (in a revealed manner). All depends on the nature and need of the state and circumstances.

⁷ This Chamber depends upon the nature of the state. If this chamber is not needed then we will get/have two Chambers left. Furthermore, if strategists = intellectuals then we will have only one house.

I elaborated earlier/above that there can be 3 houses only videlicet, Upper House, Middle House, and Lower House I have elaborated their composition above. Now I shall elaborate their functions and other features which I think the entire Parliament can/should have (or is having in a hidden manner).

As far as **Leader/Ruler** is concerned he/she⁸ is — according to the current theory — the member and the head of all the houses. Leader/Ruler is a person⁹ who is mentally mature, at least, and who can implement his/her orders and policies. But for Leader/Ruler may/can be largely absent from all the houses, as he/she might be having lot of work to do, all the houses can, accordingly, choose their own heads. I am calling each head “**Head/Leader Pro Tempore**”. On the same pattern Leader/Ruler is the “**Chief Justice**”, but for he/she may/can be absent from all the courts of the 3rd part/section of the Parliament, Judiciary can therefore choose/select her own chief justice^{10, 11}. Leader/Ruler has the authority of pardoning a certain prisoner.¹² Leader/Ruler is the head of the state and head of the government¹³. All treaties are made by and through him/her (though will then have to be ratified by the Upper House). He/she is the supreme leader of all the armed forces and army. He/she can declare war as well as peace whenever he/she considers necessary, but after doing that he/she will have to justify his/her action if needed, in the Upper House¹⁴. Every decision of SC, SJC, and HC will have to be ratified by the Leader/Ruler. But after ratification it's — the ratified decision's —

⁸ I might have typed “he, him, his, himself” in several places by mistake. Please take them as “he/she, him/her, his/her, himself/herself” respectively in their respective places.

⁹ Person means here single person or group of persons.

¹⁰ SC (Supreme Court), SJC (Supreme Judicial Council), and HC (House's/Houses' Court), all will have their separate CJs (Chief Justices). All of them will have to get recognition from Leader/Ruler and Upper House, or just from Leader/Ruler. But method of ratification differs.

¹¹ It is clarified herein that “might be” means “in case of the modern states (means opposite of the city states like that of Greece poleis.)”.

¹² Leader can give pardon even to those who will be given “capital punishment” hereafter, except where law prohibits him/her.

¹³ If Prime Minister is the genuine leader/ruler then Prime Minister will be head of government, otherwise not.

¹⁴ Not all the time Leader/Ruler. Leader's/Ruler's trusted body can also be called for this purpose. But if Leader/Ruler is called for such a purpose then here “Leader/Ruler” will mean the entire “Leader's/Ruler's Chamber”. All is up to the circumstances, situation, and issue concerned. But Leader's/Ruler's family can (also) be called — as a part of Leader/Ruler's trusted body — in case when their involvement is proved (means that they have/had given Leader/Ruler the advice on which Leader/Ruler had/have acted upon). Leader/Ruler can be called in person too, but for this purpose Upper House will have to mention that Leader/Ruler is called in person.

copy will be submitted in the Upper House¹⁵. Upper House will review it and can ask Leader/Ruler¹⁶ for its interpretation if needed. No matter whatsoever are the circumstances if Leader/Ruler¹⁷ fails in proving a certain thing he/she will be asked to leave the office¹⁸.

As far as **Upper house** is concerned it is the supreme body of the parliament. This House has the authority to provide/take authority/rights from any House/ section of Judiciary; and can do any change in Parliament. This is the only house which can never be dissolved in any case, even in case of emergency¹⁹ or dictatorship²⁰. It is the house that brings in front either more than one “Controller’s candidates²¹” or just one Controller’s candidate. Whosoever wins the general elections, will ultimately become Leader/Ruler. When Leader/Ruler makes any treaty or appoints a person as a cabinet member that will have to be ratified by this house. Just because of this house Leader/Ruler is having rights, as this house confers rights to the Leader/Ruler.

The chamber which is known as “**1st Chamber**” is comprised of the experts or intellectuals experienced in or having knowledge of the thing that is either crucial, pro tempore, for/to the state, or is the building bloc of the state — exempli gratia “religion”. The **2nd Chamber — Chamber of intellect** — includes only the intellectuals other than (or in some cases including, all is up to the state whatsoever she considers best for her) the experts for whom 1st chamber either has been

¹⁵ This sentence is my view in accordance with the modern day political culture.

¹⁶ In judicial matters if Leader/Ruler is called then remember that the word “Leader/Ruler” refers to “Leader/Ruler + Judge(s) who gave/ agreed with the decision + (Judicial) Committee who was handling the case + lawyers who were indulged/involved in the case”. Leader/Ruler can be called in person too, but for this purpose Upper House will have to mention that Leader/Ruler is called in person.

¹⁷ Leader/Ruler in other matters means “Leader’s/Ruler’s Chamber” and in Judicial matters means “Leader/Ruler + Judge(s) who gave/ agreed with the decision + (Judicial) Committee who was handling with the case + lawyers who were indulged/involved in the case”. Please check the above mentioned footnote.

¹⁸ Or if not then he/she will be just asked at least for the abandonment of the action, or opus/opera, or both.

¹⁹ In/during/ with the declaration of emergency Leader/Ruler can dissolve any of the house from Middle or Lower. It is all up to him/her. Even Leader/Ruler can dissolve both the houses, or even can dissolve chambers(s) of the houses. But remember Upper House had been present in the past and is present even today, though shapes were/are different.

²⁰ In dictatorship this house acts. The question “who are/ should be the members of the Upper House” is solved herein by the dictator.

²¹ The candidates who (will) compete(s) for the seat of the Ruler/Leader in general elections.

established or is present.²² **3rd Chamber — Chamber of Strategy** — its aim is to view if a certain law is hazardous for the state (especially to its security). If that is hazardous then this chamber will either negate it or will create a strategy for the safety of the state (it is up to the Chamber whatsoever she thinks better).

This house has a check over Leader/Ruler, houses, and Judiciary. Whenever she asks Leader/Ruler about his/her certain act, order, opus, or a judicial or un-judicial decision²³ Leader/Ruler will have to prove in this house that the thing done by him/her is either lawful, or is the dire need of the time, or is not hazardous to the state in any sense. If Leader/Ruler succeeds in doing this then his/her act will be implemented otherwise Upper House will remove him/her from office or will ask for the abandonment of the action, or opus/opera, or both. But till that time the Leader's/Ruler's act will be taken as valid and lawful by the people.

Upper House also includes all the *bureaucrats* and those who have passed the major Competitive Exams (including interview) — e.g. CSS of Pakistan. But those who have passed such exams (including interview) and the bureaucrats will also be the members of the Middle House, for they are the building blocks of the State government.

As it is, herein, clarified that Leader/Ruler is the most intelligent intellectual of the Upper House, he/she will be, largely trusted for his/her acts, orders, opera, or a judicial or un-judicial decisions, but even then his/her such things will be checked by the Upper House. If, example gratia, Upper House makes a certain objection over a certain act, order, opus, or a judicial or un-judicial decision etc made/ratified by the Leader/Ruler, then till Leader/Ruler proves it to be correct, Leader's/Ruler's such an act will be considered valid and will be acted upon by the country.

As far as the **Middle House** is concerned it is composed of “Cabinet”, “Leader's/Ruler's Chamber”, and “PM's Chamber”. “**Cabinet**” here stands for “cabinet” in general and cabinet member's trusted bodies. “**Leader's/Ruler's**

²² If 1st Chamber is absent then all intellectuals & experts will be members of this chamber.

²³ Upper House can take the help or advices or get the knowledge of the thinking of the other two houses.

Chamber” is the chamber that consists of “Leader/Ruler²⁴” and his/her “trusted body²⁵”. **PM’s Chamber²⁶** is the chamber that consists of “Prime Minister²⁷” and his/her “trusted body”. This house can request Upper House for the removal of Leader/Ruler if she considers it necessary. The Upper House will then discuss and will then make a certain conclusion and will take a certain action.

Now we take into consideration the **Lower House**. Lower House consists of the representatives or the people chosen by John Q. Public through adult franchise. I have not divided it into any chamber, for I think that this house should not be divided into any chamber. Its powers are, that, it can present the public views to the Upper House, to Leader/Ruler, to Middle House, or to any two or all of them. It can request Upper House for the removal of Leader/Ruler if she considers it necessary. The Upper House will then discuss and will then make a certain conclusion and will then take a certain action.

Now as far as the **Judiciary**, 3rd part of parliament, is concerned it can be (but not necessarily) divided into two or three parts (if the state wants she can keep Judiciary united. Accordingly, one part/chamber having all judicial rights). All is up to the needs and circumstances of the state. The patterns of division or the criteria of division can be as under:

²⁴ Not necessarily, for he/she can exist separately too.

²⁵ “Trusted body” means “the body of persons which acts as the “personal advisory body” to, of, and for the person of whom it is trusted body”. The family of a person is a part of his/her trusted body. If the person is called in the Upper House for an investigation or other things then his/her family might not be called with the other officials of trusted body, for family will be called just in cases where family’s involvement is proved.

It is to be clarified herein that all trusted bodies are either made by the Upper House (except family of the concerned person) or will have (except family of the concerned person) to get ratification/recognition from the Upper House. Any member (except family of the concerned person) who is not given/suggested to the person if becomes member then will have to take recognition/ratification from the Upper House.

²⁶ Premier is basically the head of the cabinet. But there can be a separate chamber ONLY when PM is handling (some) duties of Leader/Ruler if Leader/Ruler has himself/herself given/designated (some) duties to Prime Minister, otherwise there should be no separate Chamber for him/her.

²⁷ “Prime Minister /Premier” is that person who acts under Leader/Ruler, and whose duty is to work as Leader/Ruler **ONLY** when Leader/Ruler has gone abroad. He/she cannot become a Leader/Ruler until Leader/Ruler and all those people who were presented by the Upper House as “Controller’s candidates” are dead. In case if Leader/Ruler dies then that person who was once a “Controller’s candidate” will become Leader/Ruler who had got majority votes in that “general elections” after which the person who was elected as Leader/Ruler is now dead, and now in place of whom he/she is coming. Whether the Premier or the person — who was presented by the Upper House as “Controller’s candidate” — becomes Leader/Ruler he/she will act as Leader/Ruler till another Leader/Ruler is elected through General Elections; accordingly, only for some days. Upper House can also make another person Leader/Ruler other than them.

- a. Supreme Court (S.C.)²⁸ & Supreme Judicial Council (S.J.C.)
- b. S.C.²⁹ & House's/Houses' Court (H.C.)
- c. H.C. & S.J.C.³⁰,
- d. S.C., S.J.C., & H.C.

I will elaborate Judiciary, herein, in accordance with the “d” pattern. By this you will understand “a”, “b”, and “c” too.

S.C. and S.J.C. can be placed in a separate building, whereas H.C. is basically the Upper House's name only when it is dealing with a certain case. **Supreme Court** deals with private cases, those cases that are related to the fundamental rights, and all those cases that are not to be handled by or dealt in the other two segments of judiciary namely, SJC, & HC. **Supreme Judicial Council** deals with the matters related to Judiciary or to the Judges (except Leader/Ruler, for Upper House is in her very presence for looking after the Leader/Ruler.). **“House's/Houses' Court”** handles & deals with the matters that are in between, and cases related to the members of any of the house, of the two, or of all the three houses; and the cases/matters related to at one hand member(s) of Parliament and on the other hand common man.

Remember one thing that removing any house (either Upper, either Middle, or both), or any Chamber of any of the house (one, more than one, or even all) depends upon the circumstances and need, and this creates a new model in every step.

I am herein saying that the same sort of structure will be present in provinces or political divisions of a state³¹, but when any province will pass any regulation the Federal Upper House will then take that decision into consideration, and will see if that is hazardous to either (any) other province(s) or to the state in any manner, if that is then she will take any necessary step.

THE END

²⁸ It will also fulfil the duties of H.C. too, for HC is absent.

²⁹ It will also act here as S.J.C. too, for SJC is absent.

³⁰ Here anyone of two will act as S.C. too, for SC is absent.

³¹ If they are present and if constitution/government has given her such a feature.

For other information and complete elaboration of the theory please contact with Nidal Hussain, via email addresses listed bellow, or via his phone number listed below:

Email addresses:

nidalhussain@yahoo.com

nidalhussain@hotmail.com

nidalhussain@gmail.com

Nidal is largely available on his cell phone.

Residential address: House Number: 8-20/25-B Usman Road Quetta Pakistan.

Phone number (mobile): +923342426873